

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

|                            |   |                    |
|----------------------------|---|--------------------|
| KIMBERLY L. MILLER,        | ) |                    |
|                            | ) |                    |
| Plaintiff,                 | ) | 8:17CV118          |
|                            | ) |                    |
| v.                         | ) |                    |
|                            | ) |                    |
| NANCY A. BERRYHILL, Acting | ) | MEMORANDUM OPINION |
| Commissioner of the Social | ) |                    |
| Security Administration,   | ) |                    |
|                            | ) |                    |
| Defendant.                 | ) |                    |
| _____                      | ) |                    |

This matter is before the Court on plaintiff's motion for an order reversing the decision of the Acting Commissioner (Filing No. [12](#)) and defendant's motion to affirm that decision (Filing No. [14](#)). The Acting Commissioner of Social Security (the "Commissioner") denied Kimberly L. Miller's ("plaintiff" or "Miller") request for disability insurance benefits. After careful review of the briefs, the entire record before the Court, and the applicable law, the Court finds that the Commissioner's decision should be affirmed.

**I. Background**

On October 10, 2013, plaintiff applied for disability insurance benefits with the Social Security Administration. Plaintiff's claims were initially denied on December 22, 2015, and also upon reconsideration. A hearing was conducted before an Administrative Law Judge ("ALJ") on November 19, 2015. The ALJ

held that plaintiff was not disabled under the Social Security Act and denied plaintiff disability insurance benefits in December, 2015. The Appeals Council denied plaintiff's request for review on February 14, 2017, making the ALJ decision the final decision of the Commissioner. On April 6, 2017, the plaintiff filed a complaint with the Court seeking judicial review of the Commissioner's decision (Filing No. [1](#)).

## **II. Standard of Review**

The Commissioner's decision will be affirmed "if the record contains substantial evidence to support it." *Edwards v. Barnhart*, 314 F.3d 964, 966 (8th Cir. 2003). "Substantial evidence is less than a preponderance, but enough that a reasonable mind might accept it as adequate to support a decision." *Haley v. Massanari*, 258 F.3d 742, 747 (8th Cir. 2001). "In determining whether existing evidence is substantial, [a court should] consider evidence that detracts from the Commissioner's decision as well as evidence that supports it." *Hutsell v. Massanari*, 259 F.3d 707, 711 (8th Cir. 2001). If the record reveals substantial evidence supporting the Commissioner's decision, then that decision should not be reversed merely because "substantial evidence exists in the record that would have supported a different outcome." *Hutsell*, 259 F.3d at 711.

Finally, the claimant "bears the burden of proving disability."  
*Teague v. Astrue*, 638 F.3d 611, 615 (8th Cir. 2011).

## **CONCLUSION**

The Court has reviewed the voluminous medical records, the briefs of the parties, and the findings of the ALJ. The Court has likewise reviewed plaintiff's arguments that the ALJ erred in the analysis and ultimate conclusion. The Court finds that the ALJ's analysis and conclusion are supported by substantial evidence. The Court will thus not disturb the ALJ's conclusion.

Accordingly, because the decision is supported by substantial evidence, this Court will affirm the decision. Plaintiff's complaint will be dismissed. A separate order will be issued in accordance with this memorandum opinion.

DATED this 23rd day of October, 2017.

BY THE COURT:

/s/ Lyle E. Strom

---

LYLE E. STROM, Senior Judge  
United States District Court